

**U.S. Department of the Interior
Bureau of Land Management**

Finding of No Significant Impact and Decision Record
DOI-BLM-NV-L020-2011-0004-EA
July 11, 2011

Hogum Placer Mining Projects

White Pine County

Applicants:

Fred Salisbury
Dig M Exploration Services, Inc.
TJL Mining
Kapacke Mining, LLC

Ely District Office
Ely, Nevada
Phone: 775-289-1800
Fax: 775-289-1910



INTRODUCTION

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-L020-2011-0004-EA, for the Hogum Placer Mining Projects, dated July 11, 2011, taking into consideration the project design specifications, including minimization or mitigation measures identified in the EA:

MINING OPERATIONS

1. Any change or amendment to minerals operation must be brought to the attention of the Schell Field Office Manager or an authorized officer prior to implementation of the change on the ground.
2. Occupation of public land must be received prior approval by the BLM field manager and must follow the 43 CFR 3715 guidelines. All structures and equipment must be incidental to mining and be approved by the BLM. Campsites are to remain clutter-free and adhere to State sanitation regulations.
3. All operations must be adequately bonded to cover the costs for reclamation of surface disturbances and the removal of all structures and equipment.
4. When operators suspend their operations for winter, all equipment must be secured to avoid undue degradation of public lands or be a risk to wildlife and human health.
5. All pits must have a safety berm around them to help prevent people from falling or driving into them.
6. No blasting may occur on public land without prior approval of the BLM field manager.
7. Plan operators must obtain a Water Pollution Control Permit for regulating their operations' wastewater discharge from the Nevada Division of Environmental Protection (NDEP).
8. All active reserve ponds must have a BLM-approved exclusion fence to help keep large animals and humans out.
9. All survey monuments, claim markers, witness corners, reference monuments, bearing trees, etc., must be protected against destruction, obliteration or damage. When operations are concluded, the operator must remove all survey markers, stakes, flagging, etc., for which the operator has no further need.

CULTURAL RESOURCES

10. Class III cultural resource inventories will be conducted on all proposed areas of potential surface disturbing impacts, including appropriate buffer zones, prior to authorization of the mineral operations. Inventories will be completed by the BLM or BLM-approved cultural resource permit holders. Any alterations to historical mining features or sites will require BLM and the State Historic Preservation Office (SHPO) consultation, and mitigation.

11. No new ground disturbance shall be authorized without a complete recordation of the sites in the identified project area and a subsequent assessment of each site's eligibility to the National Register of Historic Places (NRHP).
12. All decisions issued by the Schell Field Office will have a Cultural Needs Assessment completed in accordance with the *State Protocol Agreement* (October 26, 2009) between the Nevada BLM and Nevada SHPO for implementing the National Historic Preservation Act.
13. If cultural resources (historic or archaeological materials) are discovered during construction, the operator is to immediately stop work, protect such materials, and contact the BLM authorized officer. Within five working days, the Authorized Officer will inform the operator as to:
 - a. The appropriate treatment measures the operator must undertake before the site can be used (assuming in situ preservation is not feasible);
 - b. A timeframe for the BLM authorized officer to complete an expedited review and necessary consultation;
 - c. The operator's responsibility for treatment costs; and
 - d. Technical and procedural guidelines for the conduct of the treatment. Upon verification from the BLM authorized officer that the required treatment has been completed, the operator will then be allowed to resume construction.
14. All identified cultural resources will be avoided by project related activities per the Nevada BLM standards for cultural resources. If avoidance is not feasible, mineral activities must cease until mitigating measures or treatments are developed and implemented and Section 106 consultation is completed. Archaeological monitors may be required in special cases.
15. The operator is responsible for informing all persons associated with the project that knowingly disturbing cultural resources (historic or archaeological) or collecting artifacts is illegal.

INVASIVE NON-NATIVE AND NOXIOUS SPECIES

16. Prior to project approval, a site-specific Weed Risk Assessment will be completed. Monitoring will be conducted for a period no shorter than the life of the permit or until bond release and monitoring reports will be provided to the BLM. If the spread of noxious weeds is noted, appropriate weed control procedures will be determined in consultation with BLM personnel and will be in compliance with the appropriate BLM Handbook sections and applicable laws and regulations. All weed control efforts on BLM lands will be in compliance with BLM Handbook H-9011, H-9011-1 Chemical Pest Control, H-9014 Use of Biological Control Agents of Pests on Public Lands, and H-9015 Integrated Pest Management. Submission of Pesticide Use Proposals (PUPs) and Pesticide Application Records (PARs) will be required.
17. For mineral activity, the operator must retain bonds for weed control until the site is returned to desired vegetative conditions.
18. No noxious weeds will be allowed on the site for reclamation release. Any noxious weeds that become established must be controlled.

19. Existing access must be used whenever possible. Off-road vehicular travel shall be held to an absolute minimum necessary to complete operations. Additional roads, if needed, will be kept to an absolute minimum and the location of routes must be approved by the BLM authorized officer prior to construction.
20. All vegetative clearing will be held to the minimum necessary to accommodate the planned operation.

HAZARDOUS MATERIALS

21. No oil or lubricants will be drained onto the ground surface. Any spills less than 25 gallons will be immediately cleaned up; spills more than 25 gallons will be reported to the BLM authorized officer and NDEP.
22. All construction, operation, and maintenance activities will comply with all applicable Federal, State, and local laws and regulations regarding the use of hazardous substances and the protection of air and water quality.

WILDLIFE PROTECTION

23. Any new disturbance commencing between April 15 and July 15 must first be surveyed for nesting migratory birds. If nests are found, the project may be moved or delayed until July 15.

RECLAMATION

24. To provide for effective rehabilitation of the disturbed area, all available growth medium, as practical, will be removed and stockpiled. Any trees removed will be separated from soils and stockpiled separately.
25. Topsoil stockpiles and road berms, if scheduled to be left in place over the growing season, will be seeded with a BLM-approved site-specific interim seed mix to reduce erosion, preserve the biological flora and fauna, and prevent the establishment of noxious weeds and other undesirable plant species.
26. The operator shall reclaim the disturbed area concurrently or at the earliest feasible time by recontouring to conform to pre-existing topography (including filling of trenches), to the extent possible, followed by redistribution of stockpiled topsoil over the reclaimed area. Compacted areas will be ripped to a depth of 12 inches unless in solid rock. Ripped areas may need further work to break up large clods and produce a fine-grained seed bed.
27. Reseeding may be required, in which case a site-specific seed mixture will be recommended by the operator and approved by the Authorized Officer. Seeding is recommended only between October 1 and March 15.
28. All interim and final seed mixes; hay, straw, and hay/straw products must be tested for noxious weeds and certified free of plant species listed on the Nevada Noxious Weed list.
29. The Schell Field Manager or BLM authorized officer must be notified within five days of completion of reclamation work so that timely compliance inspections can be completed.

30. The area is considered to be satisfactorily reclaimed when all disturbed areas have been recontoured to blend with the natural topography, erosion has been stabilized, and an acceptable vegetative cover has been established. The Nevada Guidelines for Successful Revegetation for the BLM, NDEP, and the U.S.D.A Forest Service (or most current revision or replacement of this document) will be used to determine if revegetation is successful.

I have also considered the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), with regard to both the context and the intensity of impacts described in the EA:

Context:

The Proposal is to conduct placer mining activities on up to 142 acres of public land on the slopes of a mining area, referred to locally as Hogum, in eastern White Pine County, Nevada, over the next ten years. The types of surface disturbance associated with these mining projects include improving existing access roads, constructing holding ponds and processing areas, and mining unconsolidated gravel material from the alluvial fan below Mary Ann Canyon. Reclamation would be conducted concurrently as each mine pit is completed. Once mining operations are completed, all ancillary facilities and equipment would be dismantled and removed. The remaining surface disturbances would be reclaimed according to BLM standards.

Intensity:

The CEQ regulations include the following ten considerations for evaluating intensity.

1) Impacts that may be both beneficial and adverse:

None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed any known threshold of significance, either beneficial or adverse. The Proposal is placer mining activities consisting of improving existing access roads, constructing holding ponds, and mining unconsolidated gravel from previously disturbed land, and processing material by washing, sorting and gravity separation methods. The Proposal may occur on up to 142 acres of public land over the next ten years. Mine pit disturbances will be reclaimed concurrent with mining, while reclamation of new access roads, campsites, and processing areas will be completed at the termination of mining activities.

2) The degree to which the Proposed Action affects public health or safety:

The Proposal will not result in any impacts to public health or safety. Surface disturbing activities will be conducted in conformance with all Federal and State health and safety requirements to protect public health and safety. Reclamation of mine pits will be completed concurrent with mining, while remaining disturbances will be reclaimed as soon as practicable once operations are completed. Access restrictions and personnel working onsite will keep the public away from active mining operations. All trash will be contained and hauled to an approved disposal facility. Dust from traffic associated with the projects' activities will be minimized by observance of prudent speed limits and strategic watering of access roads and mining activities when conditions warrant.

3) Unique characteristics of the geographic area such as proximity to historical or cultural resources, parks lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:

There are no prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in or near the Proposal area analyzed in the EA. The Great Basin National Park boundary is located approximately 3.5 horizontal miles from the Proposal area. However, the Proposal area cannot be seen from anywhere in the Park. The Proposal area is considered part of the historic Osceola Mining District and has yet to be intensively inventoried for archaeological resources. Within the Proposal area, two archaeological sites have been previously defined as part of the Osceola District. One being the complex of mining features, structures, and artifacts related to the historic Hogum Mine, and the other being the southern portion of the Osceola Ditch, a hand-entrenched water line to supply the Hogum Mine. Each site has only been partially recorded in conjunction with cultural resource inventories conducted for compliance with Section 106 of the National Historic Preservation Act (NHPA). The Hogum site was recommended eligible for the National Register of Historic Places (NRHP) because of its connection to the Osceola Historic Mining District. The Osceola Ditch has never been evaluated for the National Register, but is likely eligible under multiple criteria. All cultural resources are to be avoided under the Proposal.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial:

The Proposal will not have highly controversial effects on the quality of the human or natural environment. The parameters of placer mining, gravity processing, and reclamation of roads, mine pits, processing areas, and campsites at Hogum have been intermittent since the late 1880's. The Proposal area is in a semi-remote area in eastern White Pine County, Nevada, within an established mining area. Except for intermittent mining, some nearby ranching, temporary construction of a wind farm nearby, and minimal traffic along Highway 50, the immediate area is almost uninhabited.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks:

The Proposal to conduct placer mining and gravity processing is not unique or unusual. The action described in the EA is maintaining access roads, constructing ponds and processing areas, excavating unconsolidated gravel material from open pits, processing the material by washing, sorting and gravity separation methods, and reclaiming the associated surface disturbances. There are no predicted effects on the human environment that are considered highly uncertain or involve unique or unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:

The Proposal will not establish a precedent for future actions with significant effects or represent a decision about a future consideration. This EA does not establish a precedent for other assessments or authorization of other mining projects. Any future projects within the Proposal area or surrounding areas will be analyzed on their own merits and implemented, or not, independently of the acceptance of the subject EA.

7) Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts:

Past, present, and reasonably foreseeable future actions have been considered in the cumulative impacts analysis within Chapter 5 of the EA. The cumulative impacts analysis examined all of the other appropriate actions and determined that the Proposal will not incrementally contribute to significant impacts on any resources that are present and may be affected by the Proposal.

- 8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources:

Areas within the Proposal area are considered part of the historic Osceola Mining District and have yet to be intensively inventoried for archaeological resources. Until such time, only previously disturbed areas may be mined and all cultural resources are to be avoided under the Proposal in order to protect the resource. Each site has only been partially recorded in conjunction with cultural resource inventories conducted for compliance with Section 106 of the National Historic Preservation Act (NHPA). A Class III cultural inventory is required before any new disturbance can be conducted. If any cultural or paleontological resources that may be altered or destroyed by operations are discovered, the discovery will be left intact and reported to the BLM authorized officer.

- 9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973:

As described in the EA, no known threatened or endangered species or critical habitat has been identified within the proposal area. Because disturbances associated with the Proposal will be of limited extent, reclaimed concurrently, and dispersed throughout the project boundary, it has been determined that the Proposal will not result in substantial net loss of potential habitat and will not contribute to a loss of viability for any one special status species.

- 10) Whether the action threatens a violation of Federal, State, local or tribal law or requirements imposed for the protection of the environment:

As described in the EA, the Proposal does not violate any known Federal, State, or local laws or requirements imposed for the protection of the environment. An interdisciplinary team of resource specialists from the BLM Schell Field Office was involved in preparation of the EA. Consultation with area Native American Tribes and the State Historic Preservation Office also took place with no concerns or comments received on the Proposal. All Federal, State, and local laws will be followed under the Proposal.

FINDING OF NO SIGNIFICANT IMPACT

I have determined that, with incorporation of the design features, the Hogum Placer Mining Projects will not significantly affect the quality of the human environment and that preparation of an Environmental Impact Statement (EIS) is not required.



Mary D'Aversa
Field Manager
Schell Field Office

7/25/11

Date